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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,617	08/01/2001	Kouji Watanabe	Q63879	2505

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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/919,617

Applicant(s)

WATANABE, KOUJI

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-32,34 and 36-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-32,34 and 36-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 1-3, 5, 7-32, 34, and 36-48 are presented for examination. Claim 48 is newly added.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-3, 5, 7-32, 34 and 36-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota et al(hereafter "Yokota")[U.S. Pat. No. 6282330] in view of Sheridan [U.S. Pat. No. 5760917].
4. As to claims 1-3, 5 and 7-10, Yokota teaches the invention substantially as claimed including: a method for contents data processing service, comprising the steps of:  
  
processing said transferred contents data in said processing apparatus of the order receiver [Abstract];  
  
transferring processed contents data from said processing apparatus of the order receiver to said terminal of the orderer via said communication line or storing and

managing said processed contents data in a storage area of a data managing unit [20, Fig.3] that is accessible from at least one of said terminal of the orderer and a terminal of a third party via said communication line, or both of said transferring of said processed contents data and said storing and managing of said processed contents data [e.g., Abstract; col.6, lines 21 – 27; col.7, line 28 – col.8, line 67],

wherein said contents data is digital image data, said processing performed in said processing apparatus of the order receiver is image processing, and said processed contents data is digital image data that has been subjected to image processing; and wherein said image processing is high definition image processing including red-eye processing [col.4, lines 28-36].

Yokota teaches that the contents data is transferred from inputted devices [e.g., 1, 5000, Fig.1] that are connected to the server and transfer the processed image back for printing at a local printer. Yokota does not specifically teach said contents data is transferred to and from a terminal of the orderer via a communication line, which can be via Internet.

However, in the same field of endeavor, Sheridan teaches that digital image data may be acquired from apparatuses such as digital camera or image scanner and uploaded to a server via the Internet [e.g., Sheridan: Figs.3-4; col.9, lines 24-30 and 58-67; col.1 47-50; col.11, lines 23-49].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an option of upload image data directly from the orderer

because by doing so Yokota's service can be easily extended to digital camera users, in particular when faster transmission lines are available to them.

5. As to claim 11, since the features of this claim can also be found in claims 1, 4 and 8, it is rejected for the same reasons set forth in the rejection of claims 1, 4 and 8 above.

6. As to claim 13, Sheridan further teaches that said edit processing information includes at least one of character composition processing, certificate photograph processing, calendar processing, album processing, post card processing, business card processing, ticket processing, menu processing, template composition processing, mini-frame processing, card print processing and free trimming processing [col.11, lines 29-49].

7. As to claim 21, Sheridan further teaches that said processing apparatus of the order receiver manages said orderer by an URL or an ID card [col.5, lines 20-35; col.6, line 64 – col.7, line 24].

8. As to claim 22, Yokota does not specifically teach determining a fee for a processing service according to used processing items and a data amount of said contents data and determines a fee for storing said processed contents data according to a period using a server for storing and managing said processed contents data and

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an area of use of the server, and said order receiver is billed these fees added to a fee for using said communication line from a connection service company of said communication line.

However, as photographic processing service system, it is well known that commercial business activities as described in Yokota's system could involve fees for various services. In particular conventional film processing companies charge service based on the number of pictures being processed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Yokota's system would include fees for the image handling services because Yokota's business model is only a variation of the conventional film processing companies; the nature of profit-oriented service is not altered by going online.

9. As to claims 12, 14-20, 23-32, 34 and 36-48, since the features of these claims can also be found in claims 1-3, 5, 7-8, 11, 13 and 21-22, they are rejected for the same reasons set forth in the rejection of claims 1-3, 5, 7-8, 11, 13 and 21-22 above.

10. Applicant's arguments with respect to claims 1-3, 5, 7-32, 34 and 37-47 on 5/30/05 have been considered but are moot in view of the new ground(s) of rejection.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Yokomizo et al [U.S. Pat. No. 6522418].

**12.** A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

### ***Conclusion***

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone

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numbers for the organization where this application or proceeding is assigned are as follows:


(571)273-8300 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

August 8, 2005

  
8/8/05